

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

NORFOLK DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:17cr126

DARYL G. BANK

Defendant.

**MOTION FOR AMENDMENT OF CONDITIONS OF
RELEASE AND MEMORANDUM IN SUPPORT ON
BEHALF OF DEFENDANT DARYL G. BANK**

COMES NOW the, Defendant, Daryl G. Bank, by and through Undersigned Counsel, and pursuant to 18 USC §§ 3142 and 3145 (a) (2), and hereby files Defendant's Motion for Amendment of the Conditions of Release. In support thereof, Mr. Bank states the following:

1. On August 30, 2017, Mr. Bank was arrested and indicted on criminal charges, including wire and mail fraud stemming from his work as a trust and investment advisor.

2. The Government sought pretrial detention for Mr. Bank, who had no prior convictions and who was aware of the criminal investigation for almost three years, on the basis that he was a danger to the community and a flight risk.

3. United States Magistrate Judge Shaniek Maynard of the United States District Court for the Southern District of Florida conducted a pre-trial detention hearing on September 5, 2017. After extensive testimony and argument, Magistrate Maynard provided Mr. Bank a bond. The bond included a \$300,00.00 personal surety bond in addition to a \$250,000.00 Corporate surety bond.

4. The combined bond would require \$550,000.00 total in collateral and approximately, \$35,000.00 in premiums.

5. The Government in this case seized hundreds of thousands of dollars or more in liquid assets and personal property, and is seeking to forfeit multiple pieces of real property worth far more. As a result of these seizures, Mr. Bank was unable to use any assets he owns as collateral or to pay the bond premium. The bond therefore is so high it is as if there is no bond at all and Mr. Bank remains in custody.

6. Mr. Bank respectfully requests this Court or the Magistrate Judge to review Magistrate Judge Maynard's bond order to lower it sufficiently so that he can make bond and/or to permit the use of certain assets for payment of premium and collateral. See, *United States of America vs.*

Justin H. Cannon, 711 F. Supp.2d 602 (U.S.D.C., E.D. Virginia, Norfolk Division 2010).

7. Specifically, Mr. Bank proposes to use real property which he owns in North Carolina as well as his residence in Florida as collateral for his bond. These properties were previously subject to a federal tax lien, however, that lien has recently been released. (See Ex. 1) These properties have equity that should be sufficient to satisfy the Court. The North Carolina property has an appraised value of over \$1,000,000.00, while the Florida residence, which Mr. Bank purchased in 2010, has equity of approximately \$225,000.00.

WHEREFORE, for the reasons stated above, the Defendant, Daryl G. Bank, by counsel, respectfully requests that this Honorable Court grant his Motion.

Respectfully submitted,

_____/s/_____
James O. Broccoletti, Esquire
VSB# 17869
ZOBY, BROCCOLETTI & NORMILE P.C.
6663 Stoney Point South
Norfolk, VA 23502
(757) 466-0750
(757) 466-5026
james@zobybroccoletti.com

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of December 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Melissa E. O'Boyle, Esquire
Assistant U. S. Attorney
Office of the U. S. Attorney
World Trade Center, Suite 8000
101 W. Main Street
Norfolk, VA 23510

Elizabeth M. Yusi, Esquire
Assistant U. S. Attorney
Office of the U. S. Attorney
World Trade Center, Suite 8000
101 W. Main Street
Norfolk, VA 23510

_____/s/_____
James O. Broccoletti, Esquire
VSB# 17869
ZOBY, BROCCOLETTI & NORMILE P.C.
6663 Stoney Point South
Norfolk, VA 23502
(757) 466-0750
(757) 466-5026
james@zobybroccoletti.com